

**REMARKS**

Claims 1-16 were previously pending in the application. By the Amendment, Claims 1-4, 6, 9-10, 12 and 15 are currently amended, new Claims 17-21 has been added, and Claims 5, 7-8, 11 and 13-14 remain unchanged.

The drawings are objected to under 37 CFR 1.83(a). Examiner stated that the drawings must show every feature of the invention specified in the claims. In particular, the examiner mentions that the “drive unit” must be shown or the feature canceled from the claims. Applicants have submitted amended drawing on October 5, 2004, which clearly label the drive unit as Part 20.

37 CFR §1.83(a) specifically states that “conventional features disclosed in the description and claims, whether detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation” (example, a labeled *rectangular box*). Applicants have provided a labeled representation of the drive unit in the form of a labeled rectangular box. Applicants maintain that this is sufficient, meets the requirements of 37 CFR §1.83(a) and requests that this objection be withdrawn.

Claims 1 and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 15 were amended to remove language referring to a second wall thickness and a first wall thickness. As a result, applicant respectfully request withdrawal of this rejection.

Claims 1-4, 9-10, and 15-16 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Tucci et al. (US Pat. No. 6,495,780).

Claim 1 recites an electrical kitchen appliance, comprising an electrical switching device, a housing having an outer wall made of an elastic material, said outer wall forming a button for actuating said electrical switching device disposed inside said

housing, said button defined by a *pair of recesses* provided in the outer wall, and a drive unit disposed in said housing.

Tucci et al. teaches a waterproof sealed switch having an external actuator element 10 formed of a metal element enclosure 12 having spring properties with a free cantilever beam 14 formed with a domed section 16 protruding from the free end of the cantilever beam. Tucci et al. fails to teach or disclose a button defined by a *pair of recesses* provided in the outer wall, but rather just teaches a free *cantilever beam* 14 formed with a domed section 16 having a *single u-shaped channel* surrounding the domed section 16, as shown in FIG. 1.

For these and other reasons, the cited art does not disclose the subject matter defined by independent Claims 1 and 15. Therefore, Claims 1 and 15 are allowable. Claims 2-14 and 17 depend from Claims 1 and 15 and are allowable for the same reasons and also because they recite additional patentable subject matter.

New independent Claim 18 recites an electrical kitchen appliance, comprising: an electrical switching device; a housing having an outer wall made of an elastic material, said outer wall forming a button for actuating said electrical switching device disposed inside said housing, said button including a strip having opposing ends connected to the outer wall and being defined by a first pair of recesses provided in the outer wall; and a drive unit disposed in said housing.

The prior art, particularly Tucci, does not disclose a kitchen appliance as recited in Claim 18. More specifically, the prior art does not disclose, among other things, said button including a strip having opposing ends connected to the outer wall and being defined by a first pair of recesses provided in the outer wall. Therefore, Applicants respectfully request allowance of independent Claim 18. Claims 19-21 depend from Claim 18 and should be allowed for the same reasons and also because they recite additional patentable subject matter.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 1-15 and 17-21 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig I. Loest", written over the printed name.

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